

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

**In re: PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION**

**THIS DOCUMENT RELATES TO**

*State of Nevada v. Abbott Labs., Inc. et al.,*

Case No. CV02-00260 (Nevada I),

*State of Nevada v. American Home Products, et al.,*

CA No. 02-CV-12086-PBS (Nevada II), and

*State of Montana v. Abbott Labs., Inc., et al.*

CA No. 02-CV-12084-PBS

MDL NO. 1456

Civil Action No. 01-12257-PBS

Judge Patti B. Saris

Chief Magistrate Judge Marianne B.  
Bowler

**DEFENDANTS' MOTION FOR EXPEDITED BRIEFING SCHEDULE AND ORAL  
ARGUMENT ON DEFENDANTS' MOTION FOR AN ORDER HOLDING PLAINTIFFS  
IN CONTEMPT, FOR PRESERVATION OF POTENTIALLY RELEVANT  
DOCUMENTS, AND FOR AN ACCOUNTING OF SPOLIATED DOCUMENTS**

Defendants have recently discovered that Plaintiffs have taken no steps to insure the preservation of relevant documents and have moved herewith for a Court order to rectify this situation. Given the urgent nature of the issues involved in the underlying Motion, and the fact that Plaintiffs are not currently preserving potentially relevant documents, Defendants respectfully request the Court to: (i) order Plaintiffs, pursuant to Local Rule 7.1(b)(2), to submit any opposition to Defendants' Emergency Motion For An Order Holding Plaintiffs In Contempt, For Preservation Of Potentially Relevant Documents, And For An Accounting of Spoliated Documents within forty-eight (48) hours after service of the Motion; and (ii) set an expedited hearing on the Motion.

Respectfully submitted on behalf of all

Defendants in the Nevada and Montana actions,

/s/ Geoffrey E. Hobart

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December 7, 2005

**Certificate of Service**

I hereby certify that on December 7, 2005, I caused a true and correct copy of Defendants' Motion for Expedited Briefing Schedule And Oral Argument to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 in MDL No.

1456.

/s/ Jason R. Litow